

REMARKS

Applicants have studied the Office Action dated July 9, 2004 and have made amendments to the application. It is submitted that the application, as amended, is in condition for allowance. Claims 1-23 are pending. Reconsideration and allowance of the claims in view of the above amendments and the following remarks are respectfully requested.

The abstract of the disclosure was objected to because of the heading. The heading of the abstract has been amended as suggested by the Examiner. No new matter has been added. It is submitted that the abstract now fulfills the requirements of MPEP § 608.01. Therefore, it is respectfully submitted that the objection to the abstract should be withdrawn.

Claims 1-5, 11-13, and 18-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Achiwa et al. (U.S. Patent Application Publication No. US 2003/0110190). Claims 6-10, 14-17, and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Achiwa et al. in view of Thompson et al. (U.S. Patent No. 5,930,514). These rejections are respectfully traversed.


Applicants are filing a Declaration under 37 C.F.R. § 1.131 (see Attachment) to establish that the invention claimed in the present application was reduced to writing in the United States prior to December 10, 2001. Thus, the invention claimed in the present application was invented prior to December 10, 2001. The Achiwa reference cited by the Examiner has a 35 U.S.C. § 102(e) date of December 10, 2001, which is after the invention claimed in the present application was invented. Therefore, Achiwa cannot properly be cited against the present application as a prior art reference in a rejection under 35 U.S.C. § 102(e) or in a rejection under 35 U.S.C. § 103(a). Therefore, it is respectfully submitted that the rejections of claims 1-23 under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) should be withdrawn.

Applicants have examined the references cited by the Examiner as pertinent but not relied upon. It is believed that these references neither disclose nor make obvious the invention recited in the present claims. In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

Date: September 27, 2004

By: 

Stephen Bongini
Registration No. 40,917
Attorney for Applicants

FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 Northwest 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile: (561) 989-9812